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BOP Inmate 917-727-9194

P 1

*** SUPPLEMENT TO EMERGENCY MOTION FOR RELEASE ***

APRIL 13, 2020

THE HONORABLE BRIAN R. MARTINOTTI
UNITED STATES DISTRICT JUDGE
UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY
402 EAST STATE STREET
TRENTON, NEW JERSEY 08608

Re: United States v. Steven Bradley Mell, Docket No. 18-CR-757 (BRM)

Dear Judge Martinotti:

Defendant respectfully seeks leave to file this Emergency Supplemental Motion for Release via facsimile, due to the current institutional lock-down which prevents inmates from accessing legal writing materials and copy-machines.

Pending before the Court is Defendant's motion for bail pending habeas relief. Defendant has presented extraordinary circumstances in support of his motion -- i.e., the threat of the novel coronavirus ("COVID-19"). The Government has filed an opposition to the motion, but that opposition has not yet been received by Defendant as it was filed under seal, and Defendant is not represented by counsel (and unable to obtain private counsel).

Since filing the pending emergency motion for bail, at least one staff member at the Allenwood Complex is believed to have tested positive for COVID-19. Further, upon information and belief, at least one inmates was reported to have exhibited symptoms after being transferred into the institution, and was removed to a local hospital. Both accounts were reported in local and national news.

On April 3, 2020, U.S. Attorney General William Barr directed that the Bureau of Prisons immediate release inmates to home confinement if they have COVID-19 risk factors, as determined by the CDC. Despite that directive, staff at L.S.C.I. Allenwood have failed to do so. The category of "at-risk" inmates includes those who have congestive heart failure, other coronary disease, and other immune system deficiencies, such as cancer. Defendant's medical conditions include chrohns disease, PSC (primary sclerosing cholangitis), liver disease, heart disease, high blood pressure, and asthma/bronchitis.

The state of Defendant's health places him at an increased risk of contracting and perishing from the virus. The likelihood of contracting the virus is heightened by the fact that Defendant (given the lock-down procedure that commenced on April 1, 2020) is required to remain indoors with more than 100 other inmates, in an open-air dormitory setting. At any given time, Defendant is forced to be within far less than six feet of at least 12 other inmates, and very often more. The virus will be inescapable once (not if) it presents itself in Defendant's housing unit, and one can reasonably expect that death will be swift and certain for many, including this Defendant, given the inability of the medical staff at the institution to deal with the crisis. It also bears noting that screening at this institution has occurred on only three occasions over the past two weeks, creating the possibility for late detection and rampant spread.

There are extraordinary and exceptional circumstances which warrant not only Defendant's release on bail, but the modification of his term of imprisonment under 18 U.S.C. 3582(c)(1)(A). Unless this Court endeavor to afford him the appropriate relief, his sentence of 7 years imprisonment will likely be a death sentence.

Accordingly, in view of the exigent circumstances, the Court should order Defendant released on bail (forthwith) with a condition of strict home confinement.

Respectfully submitted,

/s/ Steven Bradley Mell

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cc: Patricia Astorga, AUSA